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MEMBER NEW JERSEY,  
PENNSYLVANIA AND  
DISTRICT OF COLUMBIA BARS

December 13, 2010

Hon. Ann Marie Donio, U.S.M.J.  
United States District Court  
for the District of New Jersey  
Mitchell H. Cohen Courthouse  
1 John F. Gerry Plaza  
Camden, New Jersey 08101

Re: **HOLTEC INTERNATIONAL V. PREFERRED METAL TECHNOLOGIES V. UPS GROUND FREIGHT**  
**CIVIL No. 09-274 (RMB/AMD)**

Dear Judge Donio:

I write to request a further amendment of the scheduling order governing this case, which was last amended on September 14, 2010. Fact discovery is currently set to be completed by January 31, 2011. Since the entry of the September 14, 2010 order, UPS has filed its motion for summary judgment, which I understand is now returnable before Judge Bumb in early January.

As was the case in September when counsel last conferred with you, I have been prevented from responding fully to PMT's interrogatories and document production requests due to the continued incapacity (stemming from a serious and progressively-deteriorating medical condition) of the only remaining Holtec employee who possesses the information needed to respond thereto; the employee, who is the key Holtec fact witness in the case, has been unable to come to work or to communicate with me in a meaningful manner for roughly the last 6 months. While I cannot say with any certainty that this situation will improve if fact discovery is extended by another 90 or 120 days, I can say with virtual certainty that I will not be able to get the discovery responses to counsel for PMT within a timeframe sufficiently immediate that we would be able to complete fact discovery by January 31, 2011. I therefore request, with the consent of counsel for PMT, that the fact discovery completion deadline be extended once again for the maximum time period the Court will countenance. I have not had the opportunity to consult with counsel for UPS as to his position on this request, but I am reasonably sure that he will not object given the likelihood that his summary judgment

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motion may not be ruled upon prior to January 31<sup>st</sup>.

I would request that in considering this request the Court be mindful of my oft-repeated position that meaningful settlement discussions could not occur in this case until PMT and UPS knew definitively whether UPS was going to be in or out of the case. With that answer imminent, I would ask the Court's further indulgence on the case management deadline front in light of the difficult predicament into which Holtec has been placed by these unfortunate circumstances.

I thank the Court for its consideration of this request.

Respectfully yours,

STEVEN KUDATZKY CHARTERED

  
BY: STEVEN KUDATZKY

SKK:eg

cc: Abigail Bowen, Esquire (*via email*)  
Thomas Martin, Esquire (*via email*)